

United States Government

Department of Energy

memorandum

DATE: March 12, 2002

REPLY TO

ATTN OF: Office of Environmental Policy and Guidance:Koss:6-7964

SUBJECT:

Information: Final Clean Air Act Revised Standards for Reformulated Gasoline Storage Tanks

TO:

Distribution

The Environmental Protection Agency (EPA) issued a final rule on December 28, 2001 (66 *FR* 67098), relating to the regulation of fuels and fuel additives. The rule was effective on December 28. One portion of the rule covering segregation of gasoline (66 *FR* 67102) is potentially applicable to Department of Energy (DOE) sites with gasoline storage tanks. The final rule is available at the Web Site of the Office of Environmental Policy and Guidance Web Site at: <http://www.eh.doe.gov/oepa/rules/66/66fr67098.pdf>.

By way of background, Section 211(k) of the Clean Air Act [42 *USC* 7545(k)] calls for EPA to issue regulations for reformulated gasoline to be used in gasoline-fueled vehicles in certain ozone nonattainment areas. Section 211(k)(1) requires that the regulations mandate reduction in emissions of ozone-forming volatile organic compounds (VOCs) during the high ozone season (generally the summer months), and of toxic air pollutants during the entire year. Section 211(k)(2) requires that the oxygen content of the reformulated gasoline shall equal or exceed 2.0 percent by weight, the benzene content shall not exceed 1.0 percent by volume, and that the gasoline contain no heavy metals.

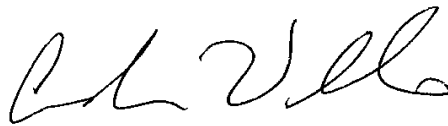
EPA's reformulated gasoline regulations appear at 40 *CFR* Part 80, Subpart D. Cities and surrounding areas subject to the regulations include Los Angeles, San Diego, Hartford, New York, Philadelphia, Chicago, Baltimore, Houston, Milwaukee, and Sacramento. In addition, other geographic areas have agreed to opt in to the reformulated gasoline program, including the Washington, D.C. metropolitan area. A complete list of geographic areas subject to the reformulated gasoline regulations is at the following EPA web site: <http://www.epa.gov/otaq/rfgarea.htm>.

EPA's reformulated gasoline regulations generally prohibit combining different categories of gasoline. Specifically, the regulations generally prohibit combining: (1) reformulated gasoline with any conventional gasoline or blendstock [40 *CFR* 80.78(a)(5)]; (2) reformulated gasoline blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate [40 *CFR* 80.78(a)(7)]; and (3) VOC-controlled reformulated gasoline that is produced using ethanol with VOC-controlled reformulated gasoline that is produced using any other oxygenate during the period January 1 through September 15 [40 *CFR* 80.78(a)(8)].

The final rule issued December 28, 2001, relaxes the preceding prohibitions by providing in 40 *CFR* 80.78(a)(10) that they do not apply in the case of a party who is changing the type of gasoline stored in a gasoline storage tank, or the type of gasoline transported through a gasoline pipe or manifold within a single facility (a gasoline storage tank, pipe, or manifold change of service), or in the case of a change of service (as may occur, for instance, for tank turnovers during the transition to VOC-controlled gasoline in the spring) that involves mixing gasoline with blendstock, provided that:

- (i) The change of service is for a legitimate operational reason and is not for the purpose of combining the categories of gasoline or of combining gasoline with blendstock;
- (ii) Prior to adding product of the new category, the volume of product of the old category in the tank, pipe or manifold is made as low as possible through normal pumping operations;
- (iii) The volume of product of the new category that is added to the tank, pipe or manifold is as large as possible taking into account the availability of product of the new category; and
- (iv) In any case where the new category of product is reformulated gasoline, subsequent to adding the gasoline of the new category, a representative sample from the tank, pipe or manifold is collected and analyzed, and such analysis shows compliance with each standard under 40 *CFR* 80.41 that is relevant to the new gasoline category.

Questions concerning this final rule or other fuel-related air quality regulations should be directed to Ted Koss of my staff (e-mail: theodore.koss@eh.doe.gov, telephone: 202-586-7964).

A handwritten signature in black ink, appearing to read 'Andrew Wallo III', with a stylized, cursive script.

Andrew Wallo III
Director
Air, Water and Radiation Division